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United States Attorney

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ANGELA BUSHELL, IAN)
BUSHELL, indiv. and as guardians)
of five minor children: So.B, b 7/11/00;)
EB, b 6/19/07; SeB, b 9/21/05; CB,)
3/20/09, and SCN b 3/14/02.)
)
Plaintiffs,)
v.)
KODIAK AREA NATIVE)
ASSOCIATION (KANA),)
RACHELLE JOY, MARIE GREEN,) Case No. 3:13-cv- _____
JOANNA MCFARLIN, CASSY)
HICKEY, ANA STEVENS, TAMMY)
HANSEN, ANDY TEUBER,)
MILTON BOHAC, LORETTA)
NELSON, ALFRED B. CRATTY,)
ARNOLD KEWAN, CHERYL)
CHRISTOFFERSON, PHYLLIS)
AMODO, JILL BOSKOKSY, ALEX)
PANAMAROFF, JR., MARGARET)
ROBERTS, and SPERIDON M.)
SIMEONOFF, JR.,)
)
Defendants.)
)

The United States, through counsel, notifies this Court of the removal of this action from the Superior Court for the State of Alaska, Third Judicial District at Kodiak. The notice is based on the following:

1. Plaintiff filed a Complaint against Defendants Kodiak Area Native Association (KANA) and numerous individual defendants in the Superior Court for the State of Alaska, Third Judicial District at Kodiak, *Angela Bushell, Ian Bushell, individually and as guardians of five minor children, et al., v. Kodiak Area Native Association (KANA), et al.*, 3KO-13-00367 CI. Plaintiff has alleged false arrest and false imprisonment, intentional infliction of emotional distress, emotional distress, fraud, and negligent supervision and seeks punitive damages against the Defendants. A copy of the Complaint is attached with this Notice of Removal.

2. KANA is an Alaska Native contractor that is funded and operated under a contract or compact between KANA and the Department of Health and Human Services, Indian Health Service (DHHS / IHS), pursuant to the Tribal Self-Governance Act (ISDEAA), Pub. L. 93-638. With respect to claims resulting from the performance of its ISDEAA contract or compact with the IHS, KANA is deemed to be part of the IHS pursuant to 25 U.S.C. §450(f), and any civil action against KANA involving such claims is deemed to be an action against the United States subject to the provisions of 28 U.S.C. 2675, *et seq.*, the Federal Tort Claims Act (FTCA). Thus, Plaintiff's claims against KANA are deemed to be an action against the United States under the FTCA.

3. The remedy provided by the FTCA for tort claims against the United States is the exclusive remedy, and this Notice of Removal is brought pursuant to 25 U.S.C. §450f and 28 U.S.C. §§1331, 1346.

4. A Notice of Filing Removal of a Civil Action and a copy of this Notice are being filed with the State court where the action is pending.

RESPECTFULLY SUBMITTED October 1, 2013, at Anchorage, Alaska.

KAREN L. LOEFFLER

United States Attorney

s/Susan J. Lindquist
Assistant U.S. Attorney
Attorney for United States

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2013,
a copy of the foregoing was served by mail
and e-mail on:

Elizabeth W. Fleming, Attorney

s/Susan J. Lindquist